

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

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|---------------------------------|---|--|
| OREXO AB and OREXO US, INC., |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | C.A. No. 17-205 (CFC) |
| |) | |
| ACTAVIS ELIZABETH LLC, |) | REDACTED |
| ACTAVIS PHARMA, INC., |) | PUBLIC VERSION |
| TEVA PHARMACEUTICALS USA, INC., |) | |
| and TEVA PHARMACEUTICAL |) | Original Filing Date: January 11, 2019 |
| INDUSTRIES, LTD., |) | Redacted Filing Date: January 22, 2019 |
| |) | |
| Defendants. |) | |

**DECLARATION IN SUPPORT OF
PLAINTIFFS' OPPOSITION BRIEF TO DEFENDANTS'
DAUBERT MOTIONS REGARDING THE OPINIONS OF
DRS. VELLTURO, FLEISCHER, MATHIOWITZ AND DAVIES**

I, Kyanna Lewis, pursuant to 28 U.S.C. § 1746 hereby declare:

I am a member of the bar of the State of New York and have been admitted *pro hac vice* before this Court. I am an associate in the law firm Milbank, Tweed, Hadley and McCloy LLC, attorneys for the Plaintiff Orexo AB and Orexo US (collectively "Plaintiffs" or "Orexo") in this action.

I submit this declaration in support of Orexo's Opposition Brief to Defendants'¹ Daubert Motions regarding the opinions of Drs. Vellturo, Fleischer, Mathiowitz, and Davies related to infringement and damages of United States Patent No. 8,454,996 ("the '996 patent").

Attached hereto is a true and correct copy of the following exhibits:

- **Exhibit A:** Mundipharma agreements, ORSUB0117275-375 and ORSUB0117376-438

¹ Actavis Elizabeth LLC, Actavis Pharma, Inc., Teva Pharmaceuticals USA, Inc., and Teva Pharmaceutical Industries, Ltd. (collectively, "Defendants").

- **Exhibit B:** Dr. Vellturo's December 12, 2018 Final Deposition Transcript (excerpt)
- **Exhibit C:** Dr. Vellturo's Opening Expert Report dated September 14, 2018
- **Exhibit D:** Dr. Vellturo's Reply Expert Report dated November 16, 2018
- **Exhibit E:** Dr. McDuff's December 14, 2018 Final Deposition Transcript (excerpt)
- **Exhibit F:** Dr. Fleischer's Opening Expert Report dated October 19, 2018
- **Exhibit G:** Dr. Fleischer's Rebuttal Expert Report dated November 16, 2018
- **Exhibit H:** Dr. Fleischer's November 29, 2019 Final Deposition Transcript (excerpt)
- **Exhibit I:** Mr. Karst's Opening Expert Report dated October 19, 2018
- **Exhibit J:** Mr. Karst's Responsive Expert Report dated November 16, 2018
- **Exhibit K:** Dr. Mathiowitz's Opening Expert Report dated September 14, 2018 (excerpt)
- **Exhibit L:** Dr. Mathiowitz's Reply Expert Report dated November 16, 2018 (excerpt)
- **Exhibit M:** Dr. Mathiowitz's December 1, 2018 Final Deposition Testimony (excerpt)
- **Exhibit N:** Dr. Park's Rebuttal Expert Report dated October 19, 2018 (excerpt)
- **Exhibit O:** Dr. Donovan's Rebuttal Expert Report dated October 19, 2018 (excerpt)
- **Exhibit P:** Dr. Donovan's December 5, 2018 Final Deposition Transcript (excerpt)
- **Exhibit Q:** Dr. Hoag's December 11, 2018 Final Deposition Transcript (excerpt)
- **Exhibit R:** U.S. Patent No. 8,454,996
- **Exhibit S:** Dr. Davies's Opening Expert Report dated September 14, 2018 (excerpt)
- **Exhibit T:** Dr. Davies's Reply Expert Report dated November 16, 2018 (excerpt)

- **Exhibit U:** Dr. Hoag's Responsive Expert Report dated October 19, 2018 (excerpt)
- **Exhibit V:** Dr. Davies's December 13, 2018 Final Deposition Transcript (excerpt)

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: January 11, 2019

/s/ Kyanna Lewis

CERTIFICATE OF SERVICE

I hereby certify that on January 11, 2019, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on January 11, 2019, upon the following in the manner indicated:

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